

**ENTERED**

November 18, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

ROBERT S. VISINTINE,

Plaintiff,

v.

NAVYARMY COMMUNITY CREDIT  
UNION,

Defendant.

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CIVIL ACTION NO. 2:24-CV-124


**ORDER ADOPTING MEMORANDUM & RECOMMENDATION**

Before the Court is Magistrate Judge Mitchel Neurock's Memorandum and Recommendation ("M&R"). (D.E. 11). The M&R recommends that the Court (1) dismiss with prejudice Plaintiff's RICO claim and (2) dismiss without prejudice Plaintiff's construed state law claims for breach of contract, deceptive trade practices, and fraud. *Id.* at 19.

The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. Judge Neurock granted Plaintiff an extension of time to respond to the M&R on or before October 11, 2024. (D.E. 15). No objection has been filed. When no timely objection has been filed, the district court need only determine whether the Magistrate Judge's M&R is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam); *Powell v. Litton Loan Servicing, L.P.*, No. 4:14-CV-02700, 2015 WL 3823141, at \*1 (S.D. Tex. June 18, 2015) (Harmon, J.) (citation omitted).

Having reviewed the proposed findings and conclusions of the Magistrate Judge, the filings of the parties, the record, and the applicable law, and finding that the M&R is not clearly erroneous or contrary to law, the Court **ADOPTS** the M&R in its entirety. (D.E. 11). Accordingly, the Court **DISMISSES with prejudice** Plaintiff's RICO claim and **DISMISSES without prejudice** Plaintiff's construed state law claims for breach of contract, deceptive trade practices, and fraud. (D.E. 1). Because this Order dismisses all of Plaintiff's claims, the Court will enter final judgment separately.

SO ORDERED.



DAVID S. MORALES  
UNITED STATES DISTRICT JUDGE

Signed: Corpus Christi, Texas  
November 18<sup>th</sup>, 2024